



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/749,084

12/25/2000

Toshihiko Okabe

3266

1933

7590

09/24/2004

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK, NY 10017-2023

EXAMINER

PESIN, BORIS M

ART UNIT

PAPER NUMBER

-2174

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,084

Applicant(s)

OKABE ET AL.

Examiner

Boris Pesin

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 5/03/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This communication is responsive to Amendment A, filed 5/03/2004.
2. Claims 21-39 are pending in this application. Claims 21, 30, 37, 38, and 39 are independent claims. In the Amendment A, Claims 21-39 were added as new claims. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 21-24, 29-33 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Moseley ("Mastering Microsoft Office 97 Professional Edition").

In regards to claim 21, Moseley teaches a data transfer method for transferring data from a displayed operation target arbitrarily selected by a user (p. 146, "Shortcut Menu Methods" Number 1), said method comprising: specifying a range of the displayed operation target with an input device (p. 145, "Copy and Cut Text Methods" Number 1); performing a single event to transfer the specified range of the operation target (p. 145, "Copy and Cut Text Methods" Number 2, the user can just press the ctr+c to copy (or transfer) to clipboard); judging whether coordinates of an input pointer of the input device, when the single event is performed, are within the specified range of the operation target (p. 146, "Shortcut Menu Methods" Number 2); and transferring data within the specified range of operation target to a transfer destination when the

coordinates are judged to be within the specified range (p. 146, "Shortcut Menu Methods" Numbers 3 and 4).

In regards to claim 22, Moseley teaches a data transfer method according to claim 21, wherein the step of specifying the range of the displayed operation target with the input device is performed according to a predetermined rule (p. 145, "Copy and Cut Text Methods" Number 1).

In regards to claim 23, Moseley teaches a data transfer method according to claim 21, further comprising: range dividing the operation target in advance according to predetermined rules for the operation target; wherein if an arbitrary range among a plurality of divided ranges is selected by the input device, the selected range is used as the specified range (p. 142, "Selecting [Highlighting] Text").

In regards to claim 24, Moseley teaches a data transfer method according to claim 21, further comprising: selecting an arbitrary transfer destination from a plurality of transfer destinations; and setting the selected arbitrary transfer destination as the transfer destination (p.145 "Copying and Moving Text" Paragraph 2).

In regards to claim 29, Mosley teaches a data transfer method according to claim 21, wherein the single event is performed by a second input device (p. 145, "Copy and Cut Text Methods" Number 1).

Claim 30 is in the same context as claim 21; therefore it is rejected under similar rationale.

Claim 31 is in the same context as claim 22; therefore it is rejected under similar rationale.

Claim 32 is in the same context as claim 23; therefore it is rejected under similar rationale.

Claim 33 is in the same context as claim 24; therefore it is rejected under similar rationale.

In regards to claim 39, Moseley teaches a data transfer device comprising: means for displaying an operation target arbitrarily selected by a user (p. 146, "Shortcut Menu Methods" Number 1); means for specifying a range of the displayed operation target, and for performing a single event to transfer the specified range of the operation target (p. 145, "Copy and Cut Text Methods" Number 1); means for judging whether coordinates of a displayed component of the specifying means are within the specified range of the operation target when the single event is performed (p. 146, "Shortcut Menu Methods" Number 2); and means for transferring data within the specified range of the operation target and data indicating a web address of the data within the specified range of the operation target to an editor when the coordinates are judged to be within the specified range (though Moseley does not specifically teach transferring a web address, it is inherent in his invention because a web address is no more than just text, and Moseley does teach transferring text).

Claim Rejections - 35 USC § 103

Claims 25 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Moseley in view of Hoeber et al. ("Hoeber", US # 5276795) and Roth (US # 6583797).

As per claim 25, Moseley teaches all claim limitations as applied to claim 21. Furthermore, Moseley teaches displaying a plurality of transfer destinations on a menu and selecting a transfer destination from that menu (p.152, top picture, *users can transfer words into a spelling checker or a grammar checker from the shortcut menu*). Moseley does not disclose using the most recently selected transfer destination as the default destination however. Hoeber teaches a method for selecting and executing defaults in a menu system, wherein the user can speed their use of menus by creating a default selection (column 9, lines 3-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make a menu item the default destination, as taught by Hoeber, in a menu with a plurality of transfer destinations, as taught by Moseley, for the purpose of reducing the amount of time required for a user to choose a transfer destination. However, Moseley and Hoeber do not disclose using the most recently selected menu item as the default menu item. Roth teaches that it is known to rank menu items and arrange them in order from most recent to least recent (column 7, lines 56-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Roth's teaching with Moseley and Hoeber to create a default menu system that uses the most recently chosen item as the default. This would thereby further the efficiency of the user by speeding their selection of menu items.

Claim 34 is in the same context as claim 25; therefore it is rejected under similar rationale.

Claims 26 and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Moseley as applied to claims 1 and 11 above, and further in view of Microsoft Word 2000 ("MS Word", Screen Dumps).

As per claim 26, Moseley teaches all claim limitations as applied to claim 21. Moseley does not disclose a data transfer method according to claim 21 further comprising: performing processing to disable a hyper link in the operation target. MS Word teaches that it is known to remove a hyperlink in order to allow for easier word processing of a hyperlink (figures 1 - 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a function that disables hyperlinks, as taught by MS Word, to a menu system that allows users to transfer information to a plurality of destinations, as taught by Moseley, in order to allow for easier selection of a part of a hyperlink.

Claim 35 is in the same context as claim 26; therefore it is rejected under similar rationale.

Claims 27 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moseley as applied to claims 21 and 11 above, and further in view of Kodimer (US # 5781192).

In regards to claim 27, Moseley teaches all claim limitations as applied to claim 21. Moseley does not disclose receiving a result of voice recognition of words input from the user; and determining a part of the operation target corresponding to the received voice recognition result, as the specified range of the operation target.

Kodimer teaches a data transfer system wherein, voice recognition is used to select a target range. Kodimer states, "[the] cursor can be controlled by the user through pointer device or by some other means (e.g., ... voice recognition,)" (column 7, line 33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include multiple means of selecting a target range, as taught by Kodimer, to a menu system that allows users to transfer information to a plurality of destinations, as taught by Moseley, in order to allow the user more options as well as accommodating handicapped users of this menu system.

Claim 36 is in the same context as claim 27; therefore it is rejected under similar rationale.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over as being unpatentable over Moseley and further in view of Tim (Google Groups).

In regards to claim 28, Mosley teaches all the limitations of claim 21. He does not teach a data transfer method wherein the single event comprises one of: a single click, a double click, and a triple click of a mouse. Tim teaches, "one function allows you to highlight text and when you click the button you are taken to a search window with the highlighted text as the target." Paragraph 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mosley with the teachings of Tim and include a method to transfer data with a single click with the motivation to provide the user with a simpler method of copying text.

In regards to claim 37, Mosley teaches a data transfer system, comprising: means for displaying an operation target arbitrarily selected by a user (p. 146, "Shortcut Menu Methods" Number 1); means for specifying a range of the displayed operation target, and for performing a single event to transfer the specified range of the operation target (p. 145, "Copy and Cut Text Methods" Number 1); means for judging whether coordinates of a displayed component of the specifying means are within the specified range of the operation target when the single event is performed (p. 146, "Shortcut Menu Methods" Number 2). Mosley does not teach a means for transferring data within the specified range of the operation target to a retrieve server via a browser when the coordinates are judged to be within the specified range; means for receiving a retrieve result based on the transferred data from the retrieve server; and means for displaying the received retrieve result. Tim teaches, "one function allows you to highlight text and when you click the button you are taken to a search window with the highlighted text as the target." Paragraph 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mosley with the teachings of Tim and include a method to copy text to a search engine and display the search results with the motivation to provide the user with a convenient method of searching for information.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over as being unpatentable over Moseley and Jalby ("The Mac Observer") further in view of Tim (Google Groups).

In regards to claim 38, Mosley teaches a data transfer system, comprising: means for displaying an operation target arbitrarily selected by a user (p. 146, "Shortcut Menu Methods" Number 1); means for specifying a range of the displayed operation target (p. 145, "Copy and Cut Text Methods" Number 1). Moseley does not teach means for displaying data of the specified range of the operation target in an edit window to edit the data of the specified range. Jalby teaches, "Clipboard Edit is a simple application which allows to edit the content of the clipboard (both text and graphic clipboards). You can save it as a clipping file or as a SimpleText file. Moreover, you can use several filters to clean up and convert text clipboard." (Page 1). Since Moseley copies text to the clipboard, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Moseley with the teachings of Jalby and include a method to edit the contents of the clipboard with the motivation to provide the user with a convenient method of editing stored information. Moseley and Jalby do not teach a means for transferring edited data to a retrieve server when an instruction for transferring is received; means for receiving a retrieve result based on the transferred data from the retrieve server; and means for displaying the received retrieve result. Tim teaches, "one function allows you to highlight text and when you click the button you are taken to a search window with the highlighted text as the target." Paragraph 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Moseley and Jalby with the teachings of Tim and include a method to copy text to a search engine and display the search results with the motivation to provide the user with a convenient method of searching for information.

Response to Arguments

Applicant's arguments with respect to claims 37 and 38 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claims 21, 30, and 39 have been fully considered but they are not persuasive.

The Examiner disagrees with the Applicant's assertion that Moseley discloses "a technique whereby two events are required to transfer the data within the specified range". The Examiner points out that in Moseley's invention, the user can simply press ctrl+c to copy things to the clipboard. Pressing ctrl+c is considered a single event.

The Examiner disagrees with the Applicant's argument that Moseley "does not teach transferring data to an editor". The Examiner points out, that in Moseley's invention, the data is transferred to the clipboard. The clipboard is a type of editor and can be viewed separately upon user request.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100